

California Regional Water Quality Control Board
Santa Ana Region

February 21, 2003

ITEM: 9

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

At the January 17, 2003 Board meeting, staff reported that the Executive Officer issued ten Investigation Orders, pursuant to Section 13267 of the California Water Code, to suspected dischargers regarding the perchlorate pollution in the Rialto, Colton, and Chino Groundwater Subbasins.

On January 29, 2003, the California State Senate Select Committee for Urban Economic Development, Chaired by Senator Nell Soto, held a hearing to receive testimony from, and ask questions of, the suspected dischargers and other interested parties regarding the perchlorate contamination of groundwater in the Rialto, Colton and Chino Groundwater Subbasins. The Board's Assistant Executive Officer provided testimony regarding the Board's efforts to identify responsible parties, pursue cleanup of the groundwater and to provide replacement water for the affected water purveyors. Also appearing before the Committee were representatives from the Department of Defense – U.S. Army Corps of Engineers; San Bernardino County; City of Rialto; Fontana Water Company; Black & Decker; GenCorp (Aerojet); American Promotional Events-West, Inc.; Pyro Spectaculars; West San Bernardino County Water District and the Environmental Working Group.

Provided below is an update of activities that have occurred regarding the investigation of suspected dischargers since the last update was provided to the Board on January 17, 2003:

County of San Bernardino

In 2002, the County completed preliminary groundwater investigations of their property. On November 15, 2002, an additional work plan was submitted. The Regional Board

adopted Cleanup and Abatement Order (CAO) R8-2003-0013 on January 17, 2003. On January 31, 2003, the Executive Officer approved the work plan. On February 4, 2003, the County announced they will submit a petition for review of the CAO to the State Water Resources Control Board, but stated they were supportive of the CAO and intended to comply with the order.

American Promotional Events-West, Inc. (TNT Fireworks/Red Devil Fireworks)

Board staff is preparing a response to American Promotional Events' revised work plan that was submitted on December 16, 2002. Board staff received comments on the work plan from the water purveyors on January 21, 2003.

Goodrich Corporation

On January 17, 2003, the Board adopted Resolution R8-2003-0013, approving a settlement agreement with Goodrich, in which Goodrich agreed to provide money for wellhead treatment for the water purveyors. Goodrich and the Board's Executive Officer signed the final agreement on January 28 and January 30, 2003, respectively. On February 4, 2003, Goodrich met with Board staff and provided an update on their ongoing technical evaluation of perchlorate occurrence in the Rialto, Colton and Chino Groundwater Subbasins.

Pyro Spectaculars by Souza and Astro Pyrotechnics

Board staff is preparing a response to the work plans for Pyro Spectaculars and Astro Pyrotechnics that were submitted on December 9, 2002. Board staff received comments on the work plans from the water purveyors on January 21, 2003.

Raytheon Company

The results of Raytheon's historical records search on the company's use of the Rialto bunkers were due on January 31, 2003. On January 29, Raytheon requested an extension of this deadline. The Executive Officer denied the request by letter dated January 31, 2003. On that same day, Raytheon submitted the results of their initial records search, and indicated that they are coordinating further search efforts with General Dynamics Corporation (former occupants of the same Rialto bunkers).

U.S. DoD - Army Corps of Engineers (USACE)

Regional Board staff received a letter on November 26, 2002, indicating that the USACE would conduct a records search of possible DoD activities involving perchlorate at the former Rialto Ammunition Storage Facility (RASPF). Staff attended a USACE budget planning meeting in San Francisco on December 9, 2002 and requested that the

USACE authorize funding to carry out a soil and groundwater investigation for perchlorate at the former RASP site. Colonel Richard Thompson testified on behalf of the USACE at the January 29, 2003 Senate Committee Hearing, stating that the USACE would submit the final Records Search Report in August of 2003. The USACE advised Board staff by telephone on February 5, 2003 that the records search had not yet been initiated. Board staff requested that the USACE staff provide monthly progress reports as the research project proceeds. USACE staff stated that they would not provide the updates and that such information would be available only if requested by Board counsel through counsel for USACE. Board counsel will contact USACE counsel and make such a request.

Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation/Kwikset)

A work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due on November 22, 2002. Emhart submitted a Petition for Stay and for a review of the 13267 Order by the State Board. The Stay request was dismissed by the State Board. The Executive Officer issued subpoenas for 58 boxes of WCLC records that are in the possession of attorneys for Emhart/Black & Decker. Emhart/Black & Decker are challenging the subpoenas. Board staff is continuing negotiations with attorneys for Emhart/Black & Decker regarding their demand for depositions by Board staff and for the production of the 58 boxes of evidence from Emhart/Black & Decker.

Zambelli Fireworks Manufacturing Company

A work plan for a perchlorate investigation at the site of Zambelli's former bunker in Rialto was due on January 31, 2003. Regional Board staff met with Zambelli's attorney on January 22, 2003. Zambelli requested an extension of the deadline in a letter dated January 24, 2003. The Executive Officer denied the extension request by letter dated January 31, 2003. Board staff spoke with Zambelli's attorney on February 4, 2003, and received an update on the progress of their historical records search, and their interviews with Zambelli's employees. Staff will continue to receive updates regarding Zambelli's historical research. In addition, Zambelli is considering participating in a joint effort with the County of San Bernardino in conducting an investigation that would include the site of their former bunker in Rialto.

At the February 21st Board meeting, staff will provide information on any further developments. Board staff will continue to update the Board at future meetings on the progress of this effort.